

AMENDED IN SENATE AUGUST 26, 2009

AMENDED IN SENATE JUNE 25, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 236

Introduced by Assembly Member Swanson

February 6, 2009

An act to amend Sections 2051 and 2067 of the Labor Code, relating to car washes.

LEGISLATIVE COUNSEL'S DIGEST

AB 236, as amended, Swanson. Employment: car washes.

Existing law, until January 1, 2010, regulates the employment practices of car washes and defines the term “employer” for the purpose of those provisions.

This bill would extend that repeal date to January 1, 2014, and would specify that a new motor vehicle dealer *or an automotive repair dealer*, as *those terms are* defined, is not an employer for purposes of these regulatory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2051 of the Labor Code is amended to
- 2 read:
- 3 2051. As used in this part:
- 4 (a) “Car washing and polishing” means washing, cleaning,
- 5 drying, polishing, detailing, servicing, or otherwise providing

1 cosmetic care to vehicles. “Car washing and polishing” does not
2 include motor vehicle repair, as defined in Section 9880.1 of the
3 Business and Professions Code.

4 (b) (1) “Employer” means any individual, partnership,
5 corporation, limited liability company, joint venture, or association
6 engaged in the business of car washing and polishing that engages
7 any other individual in providing those services.

8 (2) “Employer” does not include any charitable, youth, service,
9 veteran, or sports group, club, or association that conducts car
10 washing and polishing on an intermittent basis to raise funds for
11 charitable, education, or religious purposes. “Employer” does not
12 include any licensed vehicle dealer; *or* car rental agency; ~~or~~
13 ~~automotive repair business~~ that conducts car washing and polishing
14 ancillary to its primary business of selling, leasing, or servicing
15 vehicles. “Employer” does not include *either* a new motor vehicle
16 dealer, as defined in Section 426 of the Vehicle Code, that is
17 primarily engaged in the business of selling, leasing, renting, or
18 servicing vehicles *or an automotive repair dealer, as defined by*
19 *subdivision (a) of Section 9880.1 of the Business and Professions*
20 *Code, who is primarily engaged in the business of repairing and*
21 *diagnosing malfunctions of motor vehicles.* “Employer” does not
22 include any self-service car wash or automated car wash that has
23 employees for cashiering or maintenance purposes only.

24 (c) “Employee” means any person, including an alien or minor,
25 who renders actual car washing and polishing services in any
26 business for an employer, whether for tips or for wages, and
27 whether wages are calculated by time, piece, task, commission, or
28 other method of calculation, and whether the services are rendered
29 on a commission, concessionaire, or other basis.

30 (d) “Commissioner” means the Labor Commissioner.

31 SEC. 2. Section 2067 of the Labor Code is amended to read:

32 2067. This part shall remain in effect only until January 1,
33 2014, and as of that date is repealed, unless a later enacted statute,
34 that is enacted before January 1, 2014, deletes or extends that date.